

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

GERRY GREENFIELD, JR.; GERRY ) No. CV-05-5120-LRS  
GREENFIELD, III; ELIZABETH )  
LOGSDON; and NICOLE GREENFIELD, )

Plaintiffs, )

v. )

GARY G. BRENNER in his official ) **ORDER OF DISMISSAL**  
capacity; COUNTY OF BENTON, )  
WASHINGTON in its municipal )  
capacity; HAMES ANDERSON & )  
WHITLOW, P.S. in its corporate )  
capacity; ROBERT G. MCMILLEN, )  
SBN 29831 in his corporate )  
capacity; ELISA VINING in her )  
official capacity; CRAIG EUGENE )  
STILWILL in his official )  
capacity; BENTON PUBLIC )  
UTILITIES DISTRICT in its )  
corporate capacity; STEPHEN B. )  
HUNTER in his corporate )  
capacity; BENTON COUNTY )  
PLANNING/BUILDING DEPARTMENT in )  
its municipal capacity; TERRY )  
A. MARDEN, Director in his )  
official capacity; STEVE BROWN, )  
supervisor in his official )  
capacity; ANDY MILLER in his )  
official capacity; BERNICE )  
KASKO in her individual )  
capacity; GARY G. BRENNER in )  
his individual capacity; ROBERT )  
G. MCMILLEN in his individual )  
capacity; ELISA VINING in her )  
individual capacity; CRAIG )  
EUGENE STILWILL in his )  
individual capacity; STEVE )  
BROWN in his individual )  
capacity; and DOES 1 through 50 )  
as their identities become )  
known, )

Defendants. )

1 On March 31, 2006 the Court issued an ORDER (Ct. Rec. 96)  
2 requiring Plaintiffs to file an amended complaint complying with  
3 Federal Rules of Civil Procedure 8(a) and 10. In this twenty-four  
4 page court ORDER Plaintiffs were advised of numerous deficiencies in  
5 their pleadings and were given until May 1, 2006 to file an amended  
6 complaint containing a "short and plain statement" showing  
7 entitlement to relief in accord with the Federal Rules of Civil  
8 Procedure. The motions to dismiss filed by Defendants McMillen,  
9 Hanes, Anderson and Whitlow were granted incidental to the ORDER.  
10

11 Plaintiffs responded by filing a timely, 139-page amended  
12 complaint titled "First Amended Complaint; Demand for Jury Trial;  
13 Re-Issue of Summons, Rule 4 and 15" on April 25, 2006 (Ct. Rec. 98).  
14 Plaintiffs' 139-page Amended Complaint ignored the dismissal order  
15 involving the above named Defendants and added in excess of twenty  
16 (20) additional parties. The additional parties included two judges  
17 of this court (one of which is the undersigned judicial officer),  
18 court personnel in the clerk's office, the defense attorneys and  
19 defense law firms in this case, and numerous others.  
20  
21

22 Contrary to the directions provided in the earlier ORDER,  
23 Plaintiffs did not correct their pleadings to recite facts showing  
24 entitlement to relief. Instead, Plaintiffs reinstated and expanded  
25 conclusory allegations with many pages referencing court rules,  
26 statutes, and other materials which are not properly part of an  
27 amended complaint. The Court finds that Plaintiffs' Amended  
28

1 Complaint fails to correct few, if any, of the deficiencies recited  
2 in the ORDER. The Court finds Plaintiffs' conduct, in ignoring the  
3 Court's earlier ORDER, is willful by renaming certain defendants  
4 that were already dismissed through that ORDER. Plaintiffs'  
5 complaints are not only frivolous but indisputably "harassing" as  
6 plainly evidenced by the multitude of defendants named in each  
7 complaint, without any specific indication of how the "facts"  
8 alleged specifically relate to each defendant; and the numerous  
9 overlapping "claims" and defendants in the complaints.  
10

11 **IT IS ORDERED** that the above-titled case be **DISMISSED with**  
12 **prejudice** and the file be closed in this matter.  
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14 **IT IS FURTHER ORDERED** that all pending motions be **DENIED as**  
15 **MOOT.**

16 The District Court Executive is directed to enter this Order;  
17 enter judgment; and provide a copy to all counsel and *pro se*  
18 Plaintiffs.  
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20 Dated this 9<sup>th</sup> day of May, 2006.

21 s/ Lonny R. Suko  
22 LONNY R. SUKO  
23 UNITED STATES DISTRICT JUDGE  
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